

BOBBY GHAJAR (198719)
JUDD LAUTER (290945)
COOLEY LLP
3 Embarcadero, 20th Floor
San Francisco, California 94111-4004
Telephone: (415) 693-2000
Facsimile: (415) 693-2222
Email: bghajar@cooley.com
jlauter@cooley.com

DAVID CHIU (189542)
City Attorney
JESSE SMITH (122517)
Chief Assistant City Attorney
YVONNE R. MERÉ (173594)
Chief Deputy City Attorney
JULIE VEIT (209207)
CHRISTOPHER STUART (262399)
Deputy City Attorneys
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4682
Telephone: (415) 554-4700
Facsimile: (415) 554-4757
Email: Cityattorney@sfcityatty.org
Jesse.Smith@sfcityatty.org
Yvonne.Mere@sfcityatty.org
Julie.Veit@sfcityatty.org
Christopher.Stuart@sfcityatty.org

Attorneys for Plaintiff and Counterclaim Defendant
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CITY AND COUNTY OF SAN FRANCISCO,

Plaintiff,

v.

CITY OF OAKLAND AND PORT OF
OAKLAND,

Defendants.

AND RELATED COUNTERCLAIM

Case No. 3:24-CV-02311-TSH

**SECOND DECLARATION OF CHARLES
SCHULER IN SUPPORT OF THE CITY'S
MOTION FOR PRELIMINARY INJUNCTION**

1 I, Charles Schuler, declare as follows:

2 1. I am the Director, Marketing & Communications, External Affairs at San Francisco
3 International Airport (“SFO”). I submit this declaration in connection with the City and County of
4 San Francisco’s Reply Brief In Support Of Plaintiff City And County Of San Francisco’s Motion
5 For Preliminary Injunction Enjoining Defendants. I declare that the following is true to the best of
6 my knowledge, information, and belief, and that if called upon to testify, I could and would testify
7 to the following.

8 2. I have a Master of Tourism Administration degree from George Washington
9 University and have worked for most of my career in the air travel industry.

10 3. I have been Director, Marketing & Communications, External Affairs for SFO for
11 nearly fourteen years. Prior to that, I was a sales manager with Emirates Airline for one year, the
12 Director, Strategy, Business Development & Planning – The Americas for Air New Zealand for
13 five years and seven months, and had various roles and responsibilities for United Airlines,
14 including sales, revenue management, and network planning during my nearly nine year tenure
15 there. In total, I have nearly 30 years of experience working in the industry.

16 4. From my years of experience working within the industry, and in particular in
17 marketing roles, I am knowledgeable about how air travel and airports are marketed and promoted
18 to build brand awareness, as well as how air travelers respond to marketing.

19 5. I have reviewed the Port of Oakland’s (the “Port”) Opposition to Plaintiff’s Motion
20 for Preliminary Injunction, including the supporting declarations. Many statements made by the
21 Port and its declarants about the Port’s marketing under the SAN FRANCISCO BAY OAKLAND
22 INTERNATIONAL AIRPORT trademark are misleading.

23 6. Dr. Sabine Reim describes herself as specializing in “network strategies and route
24 development.” From an airport perspective, these are common industry terms that refer to _the
25 ability to attract new airlines, new cities served and increase airline capacity on existing routes. In
26 general, work in this area is usually part of an airport’s proposal to airlines, and not directly related
27 to consumer marketing or consumer behavior. From my experience, once an airline decides to
28 operate a route, the consumer-facing promotional activations are usually handed from network

1 planning to the respective sales and marketing teams of the airline, airport, and tourism partners.

2 7. I concur with Dr. Reim that the vast majority of airfare bookings occur online. And
3 therefore how you are displayed online is important.

4 8. Based on data that I have reviewed, most travelers who purchase airfare online use
5 OTAs as a resource. While some airline websites do not display airport names in their entirety,
6 or only inconsistently do so, many of the most popular OTA sites (e.g. booking.com, priceline.com,
7 and trip.com) display airport names in their entirety within search results. This is just one of the
8 many ways that consumers encounter airport names outside of the context of airline websites prior
9 to purchasing airfare.

10 9. Based on my years of experience in marketing within the air travel industry,
11 travelers also become familiar with airport names prior to making purchases by encountering them
12 in advertising and other media such as news articles, and this background can inform traveler's
13 impressions of an airport. At SFO, we actively promote our airport's name, at times without an
14 IATA code, through advertising campaigns to raise brand awareness and highlight the benefits of
15 choosing us. These benefits include a wide range of destinations, a diverse selection of airlines,
16 convenience, top-tier services and amenities, local job opportunities, and our commitment to
17 sustainability initiatives. We would not do this if we did not believe that it has an impact on
18 travelers.

19 10. As an example, we have been running audio advertisements for SFO on KQED, a
20 local radio station. These advertisements refer to "San Francisco International Airport" and do not
21 mention our IATA code. Notably, the Port runs similar advertisements on KQED. In each of the
22 recordings, the Port refers to its airport as SAN FRANCISCO BAY OAKLAND
23 INTERNATIONAL AIRPORT without any reference to the airport's IATA code. A true and
24 correct screenshot from tveyes.com, a media monitoring tool, is attached hereto as **Exhibit A**. This
25 screenshot displays relevant excerpts from the transcript of the Port's advertisements.

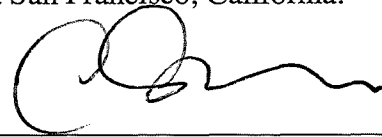
26 11. Dr. Reim states that an airport's name "can be a useful tool for creating general
27 awareness of the airport's geographic location or of the area's ties to notable or accomplished
28 individuals." While this may be true, it is not the only, or even most important, role that airport

1 names play. Our airport's name, SAN FRANCISCO INTERNATIONAL AIRPORT, is a brand.
2 Like any other brand, it embodies the goodwill that consumers associate with the services that we
3 provide.

4 12. I have also reviewed the declarations of Jennifer Birdie and Piotr Rolek. In their
5 declarations they describe how searches for destinations on the websites for Southwest Airlines and
6 Spirit Airlines do not display the full legal names of airports. For example, on the Southwest
7 website, a search returns both the Oakland airport and SFO under the heading "San Francisco Area
8 Airports," while a search on Spirit, which does not have any routes at SFO, returns only "Oakland,
9 CA / San Francisco, CA AREA." The Port suggest that because location is displayed on these
10 websites, rather than the airport name, that this lessens the risk of travelers being confused about
11 the relationship between the Oakland and San Francisco airports. Based on my years of experience
12 in marketing within the industry, and in particular with respect to airport marketing, I strongly
13 disagree. Because the airport names are not displayed on these websites, it is all the more
14 significant how airport names are displayed to travelers in other contexts. Moreover, airport names
15 often correspond to city names, and typically an airport named after a city is owned and operated
16 by that city. That is the case for SFO and, previously, the Port, but also for the airports in Chicago,
17 New York, Dallas, and so on.

18 13. With the foregoing in mind, the search results on the Southwest and Spirit websites,
19 both of which feature references to "San Francisco," may only reinforce that there is a connection
20 between SFO and the Oakland airport that does not exist. This is particularly true for the many
21 travelers unfamiliar with the region's different airports, their locations, and the distinct sources of
22 their operations.

23
24 Executed on this 22nd day of October, 2024 at San Francisco, California.

25
26 

27 Charles Schuler
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